

REMARKS/ARGUMENTS

This paper is in response to the non-final Office Action and Notice of Non-Compliant Amendment of November 4, 2005. Applicants thank the Examiner for his careful review of this application. Applicants amend independent claims 1 and 12 and dependent claim 3. Claims 11, 15, and 16 have been returned to their previously amended form and identified as "Previously Presented" to address the non-compliant issues presented by the Examiner in the Notice of Non-Compliant Amendment form. Claims 17-19 have been added. The amended and added claims introduce no new matter and are fully supported by the specification. Accordingly, Applicants respectfully request examination of pending claims 1-19.

Anticipation Rejections under 35 U.S.C. § 102(b)

The Examiner rejected claims 1-7, 9, 10-13, 15, and 16 under 35 U.S.C. § 102(b) as being anticipated by Svirchevski et al. Patent No. 6,093,254. This rejection is traversed, and Applicants request reconsideration in light of the amendments and remarks contained herein.

As a preliminary matter, Applicants submit that under MPEP 706.02(a) a reference can be utilized as 35 U.S.C. 102(b) prior art only if **"the publication or issue date of the reference is more than 1 year prior to the effective filing date of the application..."** The Applicants' application is a divisional application of U.S. Patent Application No. 09/329,207 entitled "METHOD AND SYSTEM FOR CLEANING A SEMICONDUCTOR WAFER", filed June 10, 1999 and claims priority from the same. As the Svirchevski et al. patent reference was filed on October 30, 1998, Applicants respectfully submit that Svirchevski et al. cannot be utilized as 35 U.S.C. 102(b) prior art.

Moreover, in contrast with the recited features in independent claims 1 and 12 as amended herein, Svirchevski et al. does not disclose that a fluid (e.g., water, cleaning fluid, etc.) can be applied to the surface of a wafer while the cleaning brush is removed from contact with the wafer. Specifically, there is no disclosure in Svirchevski et al. that shows fluid being applied to the wafer from any means other than through the cleaning brush itself, which must be in contact with the wafer. Applicants respectfully submit that Svirchevski et al. fails to anticipate independent claims 1 and 12.

Furthermore, in contrast with the recited features in claims 9 and 10, Svirchevski et al. does not disclose that the delivery of water to the surface of the wafer continues until the pH of the fluid on the surface of the wafer is between 4 and 8.5. In particular, Svirchevski et al. discloses only that water is to be applied until residual chemical is rinsed from the wafer. Applicants respectfully submit that Svirchevski et al. fails to anticipate claims 9 and 10.

For at least the above reasons, Applicants respectfully submit that Svirchevski et al. fails to anticipate Applicants' independent claims 1 and 12 and dependent claims 2-7, 9, 11, 13, 15, and 16 which depend directly or indirectly upon them. Applicants respectfully request that this rejection be withdrawn.

Obviousness Rejections under 35 U.S.C. § 103(a)

The Examiner rejected claim 8 as being unpatentable over Krussel et al. Patent No. 5,723,019 in view of Svirchevski et al. In light of the arguments contained herein, Applicants respectfully request that this rejection be withdrawn.

As discussed above, Svirchevski et al. fails to teach each and every feature of claim 1. Krussel et al. fails to cure the deficiencies of Svirchevski et al. Further, in

contrast with claim 8 Krussel et al. does not disclose the setting of a time range between 5 and 60 seconds for delivering water to the surface of the wafer. Still further, the Svirchevski et al. reference is commonly owned by the Applicants and under 35 U.S.C. §103(c) cannot be utilized as prior art against the Applicants' claimed invention in a 35 U.S.C. §103(a) obviousness rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

The Examiner rejected claim 14 as being unpatentable over Itzkowitz Patent No. 5,675,856 in view of Svirchevski et al. In light of the arguments contained herein, Applicants respectfully request that this rejection be withdrawn.

As discussed above, Svirchevski et al. fails to teach each and every feature of claim 12. Itzkowitz fails to cure the deficiencies of Svirchevski et al. In addition, for the reasons enumerated above, the Svirchevski et al. reference cannot be utilized as prior art against the Applicants' claimed invention, for at least the reasons discussed above with respect to claim 8. Accordingly, Applicants respectfully request that this rejection be withdrawn.

SUMMARY

In view of the foregoing amendments and remarks, Applicant respectfully submits that the pending claims are in condition for allowance. Applicant respectfully requests reconsideration of the application and allowance of the pending claims.

If the Examiner has any questions concerning the present Amendment, the Examiner is kindly requested to contact Roger C. Kuan at (408) 744-6927.

If any additional fees are due in connection with filing this Amendment, the Commissioner is also authorized to charge Deposit Account No. 50-0805 (Order No. LAM1P108D). A duplicate copy of the transmittal is enclosed for this purpose.

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Roger C. Kuan, Esq.
Reg. No. 56,558

MARTINE PENILLA & GENCARELLA, LLP
710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Tel: (408) 749-6900
Customer No. 25,920